

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE CITY OF TACOMA, a municipal
Corporation of the State of Washington,

Plaintiff,

v.

CLARENDON AMERICA INSURANCE
COMPANY, a Delaware Corporation; and
SPECIALTY SURPLUS INSURANCE
COMPANY, an Illinois Corporation,

Defendants.

NO. C 07-5055 FDB

PLAINTIFF'S INITIAL
DISCLOSURES
FRCP 26(a)

Comes now the Plaintiff City of Tacoma and pursuant to FRCP 26(a) makes the
following initial disclosures:

A. The following individuals are likely to have discoverable information:

1. Barbara Nord
Legal Department
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Tacoma, WA 98402
(253) 591 5619

PLAINTIFF'S INITIAL DISCLOSURES
FRCP 26(a) - 1

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11 4. John W. Wolfe
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17 5. Lara B. Fowler
18 Attorney at Law
19 Gordon, Thomas, Honeywell,
20 Malanca, Peterson & Daheim LLP
21 1201 Pacific Avenue, Suite 2200
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25 6. C. James Frush
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PLAINTIFF'S INITIAL DISCLOSURES
FRCP 26(a) - 2

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11 11. Edward R. Lindstrom
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15 12. Clifford G. Morey
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18 (253) 620 1500

19 13. Timothy R. Gosselin
Attorney at Law
20 Burgess Fitzer
1145 Broadway, Suite 400
21 Tacoma, WA 98402-3584
22 (253) 572 5324

23 14. Jeffrey Bryant
Specialty Surplus Insurance Company
24 7501 E. McCormick Parkway
Scottsdale, AZ 85258
25

26 PLAINTIFF'S INITIAL DISCLOSURES
FRCP 26(a) - 3

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4 16. Bryan G. Schumann
Attorney at Law
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7 (312) 466 8000

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9 17. Eric Anderson
City Manager
City of Tacoma
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12 18. Debbie Dahlstrom
Risk Manager
13 City of Tacoma
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16 19. Steve Marcotte
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17 Lake Tapps, WA 98391
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19 20. Terri Long
Vice President of Claims
20 TIG
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21 Napa, CA 94558
22 (707) 259 5049

23 21. Frank L. Steeves
Chair, Litigation and Risk Management
24 Von Briesen & Roper
Suite 700
25 411 E. Wisconsin Avenue

26 PLAINTIFF'S INITIAL DISCLOSURES
FRCP 26(a) - 4

Office of the City Attorney
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1 Milwaukee, WI 53202
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3 22. Harold Dubbs
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5 851 Napa Valley Corporate Way, Suite N
6 Napa, CA 94558
7 (707) 265 2101

8 **B. Discoverable Documents:**

- 9 1. City of Tacoma and Specialty Surplus Insurance Company, Settlement
10 Agreement and Release, dated November 4 2005.
- 11 2. Addendum to City of Tacoma and Specialty Surplus Insurance Company,
12 Settlement Agreement and Release, dated November 20, 2005.
- 13 3. Specialty Surplus Insurance Company, policy number 3ZH 120791 01, and 3ZH
14 120791 00.
- 15 4. Clarendon America Insurance Company, policy number XSR 39306149.
- 16 5. November 30, 2005, letter from Timothy R. Gosselin to Bryan G. Schumann and
17 Jeffrey Bryant, submitting invoices to Specialty.
- 18 6. August 1, 2006 letter from Tacoma City Attorney to Bryan Schumann requesting
19 payment of the invoices Tim Gosselin previously submitted.
- 20 7. September 7, 2006 letter from Tacoma City Attorney to Bryan Schumann and
21 Jeffrey Bryant requesting payment of the invoices.
- 22 8. September 19, 2006 letter from William Stewart to Tacoma City Attorney.
- 23 9. October 4, 2006 letter from Bryan Schumann to Tacoma City Attorney.
- 24 10. October 12, 2006 letter from Timothy R. Gosselin to Bryan Schumann.
- 25 11. Invoices from the law firm: Wolfe Leinbach, P.S.
- 26 12. Invoices from the law firm: Gordon, Thomas, Honeywell, Malanca, Peterson &
Daheim LLP.
13. Invoices from the law firm: Cable, Langenbach, Kinerk & Bauer.

1 14. Invoices from the law firm: Kussmann & Lindstrom.

2 15. Invoices from the law firm: Burgess Fitzer.

3 These documents are currently in the possession of the Office of the City Attorney;
4 copies of the invoices and letters to and from Specialty Surplus Insurance Company are
5 in their possession.

6 **C. Computation of Damages:**

7 The City of Tacoma had submitted invoices reflecting \$2,074,289.40 in defense costs to
8 Specialty on November 30, 2005. Specialty's share of these costs was \$1,037,144.70. The
9 balance of the invoices were submitted to Specialty on July 27, 2006. Specialty's share of
10 the July 27, 2006 invoiced costs was \$22,226.50. Specialty paid \$794,529.00 of its
11 \$1,059,371.21 defense cost payment obligation on February 14, 2007. Payment of
12 \$1,037,144.70 should have been made by December 30, 2005. Therefore, the City is owed
13 12 ½ months interest @12% on \$794,529.00 = \$99,316.12. The balance of the interest
14 owed would be as follows: \$1,037,144.70 minus \$794,529.00 = \$242,615.70, 15 ½ months
15 interest @12% = \$37,605.32. Interest on the invoices submitted on July 27, 2006 supporting
16 Specialty's share of \$22,226.50 assuming payment should have been made by August 27,
17 2006, is calculated as follows: \$22,226.50, @12% interest for 9 months = \$2,000.38.
18 Specialty will owe interest on the \$264,842.21 balance, the amount of interest to be
19 established when the balance is paid. Accordingly, the City's current damages are
20 \$264,842.21 which represents the balance of Specialty's share of the defense and litigation
21 costs, and \$138,921.82 in interest.

22 Documents reflecting the defense costs that have been submitted to Specialty and any
23 payments, are available upon request.
24

1
2 DATED this 4th day of June, 2007.

3 ELIZABETH A. PAULI
4 City Attorney

5 By: 

6 M. Joseph Sloan, WSBA #13206

7 EMAIL: joseph.sloan@cityoftacoma.org

8 Attorneys for Plaintiff, City of Tacoma
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26 PLAINTIFF'S INITIAL DISCLOSURES
FRCP 26(a) - 7

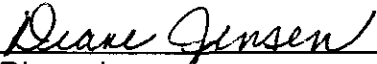
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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on June 4, 2007, I filed the foregoing pleading with the Clerk of the Court, which office will send notification of such filing using the CM/ECF system to the following:

Joel E. Wright
William R. Kiendl
Lee, Smart, Cook, Martin
& Patterson, P.S., Inc.
1800 One Convention Place
701 Pike Street
Seattle, WA 98101-3929
Email: jw@leesmart.com
wrk@leesmart.com

Dated this 4th day of June, 2007, in Tacoma, Pierce County, Washington.


Diane Jensen
Legal Assistant to
M. Joseph Sloan
Office of the City Attorney
Joseph.sloan@cityoftacoma.org